

SEP 25 2003

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON

U.S. COURT OF APPEALS

JAMES F. JONES,

Plaintiff - Appellant,

v.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION; et al.,

Defendants - Appellees.

No. 03-15080

D.C. No. CV-01-20721-PVT
Northern District of California,
San Jose

**ORDER AMENDING
MEMORANDUM**

Before: SKOPIL, FERGUSON, and BOOCHEVER, Circuit Judges.

The memorandum disposition filed July 23, 2003 is amended as follows.

On page 2, add a footnote 1 at the end of the first paragraph to read “Jones does not challenge the district court’s grant of summary judgment to defendant NASA, which is not a proper party. See 42 U.S.C. § 2000e-16(c) (head of agency is proper defendant in civil action alleging employment discrimination by the government).”

With the foregoing change to the memorandum disposition, the petition of defendants-appellees for panel rehearing is denied. Judge Skopil votes to grant rehearing for reasons stated in his dissent.